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Haiti: Procedure to obtain a birth certificate
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 8 November 2007 correspondence with the Research Directorate, a representative from the Embassy of Canada in Port-au-Prince provided the following information about the procedure for obtaining a birth certificate:

[translation]

The **certificat de naissance** (birth registration document) is issued by the hospital where the child was born and is not used for identification without the validation of the *acte de naissance*.

The **acte de naissance** (birth certificate) is issued by the various local registry offices (bureaux locaux d'état civil) when the applicant appears before the registry officer and provides a *certificat de naissance*, a piece of identification and a marriage certificate (if the parents are married), and a statement. The applicant can be either the father or mother or both. The *acte de naissance* is registered by the registry officer in writing.

The *acte de naissance* states that the child is legitimate if he or she is born in wedlock, and natural (*enfant naturel*) if not.

When the child is not born in a hospital, the *acte de naissance* is obtained by having one or both of the parents as well as two witnesses make a statement before the registry officer. The statement is made by a third party when a parent authorizes another person to appear before the registry officer.

Only the mother of a child whose father is unknown or fails to acknowledge paternity may assume the role of parent with respect to the procedures described above.

The Haitian National Archives [Archives Nationales] is the only institution that holds the vital statistics records for all Haitian nationals and, upon request, provides *extraits* (official copies or summaries) of vital statistics records, including *extraits* of the *acte de naissance*, to those who request it. Each local registry office sends the records to the Ministry of Justice annually, which verifies them and affixes a seal before transferring them to the National Archives; in this way, theoretically, each *acte de naissance* can be validated for authenticity. A copy of the record is also kept at the local registry office or at the Civil Court Clerk's Office (Bureau du greffe du Tribunal civil). In reality, the legislative requirements are not always complied with since there are no checks to confirm that information is completed thoroughly and entered and that the books are sent.

A large number of Haitian nationals do not have an *acte de naissance* because of inadequate economic and social infrastructures, and for other reasons related to local practices and uses.

The notion of late record of birth was introduced by a five-year decree on 14 November 1988, followed by a second one on 16 May 1995 and a third on 1 February 2002, enabling citizens without a record of birth to acquire one, free of charge. Anyone can appear before a registry officer and submit a negative *extrait* (*extrait négatif*) from National Archives, confirming that no previous *acte de naissance* exists, to declare a birth that occurred several years earlier. The record is said to be late when it is initiated more than two years after the birth.

The submission of a negative *extrait* from the National Archives for a late record is another legislative requirement that is not always respected; an *acte de naissance* issued under such circumstances does not constitute confirmation of identity for the purpose of immigration. Identity can be established through cross-referencing other documents from independent and verifiable sources, such as a baptismal certificate.

Furthermore, the president of the Insurance Association of Haiti [Association des assurances d'Haïti], Fritz Decatalogne, stated in an April 2004 article that [translation] "only 40 percent of the population possesses an *acte de naissance*" (Haiti Press Network 8 Apr. 2004).

The US Department of State Reciprocity Schedule provides the following information about birth certificates:

Births can be registered by either the father or the mother. If the child is born out of wedlock and is registered by the mother, the father is not specified and the child is registered with the surname of the mother. Extractions can be obtained from the National Archives There may be a fee for this service. If no record exists or cannot be found, the National Archives can prepare an extract stating that the birth record could not be located and including the text of a baptismal certificate. These negative extracts are considered unreliable as proof of relationship. There may be a fee for this service. (25 Aug. 2005)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Canada. 8 November 2007. Embassy of Canada in Haiti. Correspondence sent by a representative.

Haiti Press Network. 8 April 2004. "Haiti : à peine 40% de la population détient un acte de naissance." <<http://www.haitipressnetwork.com/newsprint.cfm?articleID=4708>> [Accessed 2 Nov. 2007]

United States (US). 25 August 2005. Department of State. "Haiti: Reciprocity Schedule." <<http://travel.state.gov/visa/reciprocity/Country%20Folder/H/Haiti.htm>> [Accessed 8 Nov. 2007]

Additional Sources Consulted

Internet sources, including: Alter-Pressé, Consulat général de la république d'Haïti à Montréal, Embassy of the Republic of Haiti in Washington, DC, Radio Metropole Haïti.

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